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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,823	12/29/2000	Shlomi Harif	AUS9000878US1	8488
35617	7590	05/04/2005	EXAMINER	
DAFFER MCDANEIL LLP P.O. BOX 684908 AUSTIN, TX 78768			POLLACK, MELVIN H	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/751,823

Applicant(s)

HARIF, SHLOMI

Examiner

Melvin H. Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see attached office action.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-3 and 5-26 have been considered but are moot in view of the new ground(s) of rejection.
2. In the response to the last office action, the applicant changed the scope of the claims by adding "network client, unknown to and dissimilar from the network host(s)" to all independent claims. As a result, a final amendment is necessitated even if the examiner provides a new art rejection. The examiner acknowledges that no new matter has been added by this amendment.
3. The examiner accepts the alternate language provided. The 112 claims are withdrawn.
4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "bidding process utilized by the financial resolution center (P. 8, lines 15-16) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Similarly, the claims do not recite related limitations such as bid awarding and that a proposal cannot be broken up into tasks awarded to multiple hosts (P. 8, lines 23-27).
5. The applicant alleges that Kraft does not mention a network client. Kraft states that "the coordinating computer (Fig. 1, #102) receives the aggregate computing task (Fig. 5, #504)... An operator may... download the task onto the computer from a remote site (col. 6, line 65 – col. 7, line 5)." The examiner reads this remote computer as the requesting client. The server computer then divides the task into subtasks for the network hosts to request (col. 7, lines 5-15 and 30-45).

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6. The applicant alleges that Kraft does not disclose the various computers to be dissimilar to each other. Kraft teaches this quite clearly (col. 4, lines 29-40). The examiner interprets that the client mentioned above may be a different make and model from the host mentioned above.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a computer cannot be both a client and a host (P. 9, lines 12-14) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The term "dissimilar" does not differentiate computers into specific roles; a computer may be a buyer for one task/transaction, and a seller for another. If the applicant wishes to specify that a host will always be a host and a client will always be a client, then the language must be changed to reflect that.

8. The applicant alleges that Kraft does not teach anonymity, i.e. that the client does not know the host (claim 1) and that the host does not know the client (claim 25). The examiner has determined the need to search for this new limitation. Therefore, the old rejection has been withdrawn, and a new rejection has been issued in response to the limitation.

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "each computer must be anonymous to one another (P. 11, lines 4-5)") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims specify that the hosts may not know the client

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identities, and vice versa, but the hosts may still know the identities of the other hosts, and the clients may still know the identities of the other clients, and the server may still know the identities of both. Further, the anonymity does not preclude a relationship between a host and a client.

10. For the reasons above, this action is final.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-3, 5-12, 17, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft et al. (6,112,225) in view of May (6,421,653).

13. For claims 1, 12, 17, 25 and 26, Kraft teaches a system (see abstract) for identifying and binding a process (col. 1, lines 5-20), said system comprising a network server (Fig. 1, #102) adapted to receive (Fig. 5, #504) a payload (col. 2, lines 14-16) from a network client (col. 7, lines 1-8; remote computer) over a network (Fig. 1, #104), wherein the payload comprises a request for process execution associated with a task (col. 1, lines 5-20), and wherein the server is further adapted to evaluate the payload (col. 6, line 60 – col. 7, line 30), create an agent from the payload (Fig. 5, #506), and forward the agent (Fig. 5, #510) to a network host (Fig. 1, #106), dissimilar from the network client (col. 4, lines 29-40) for process execution associated with the agent (Fig. 6).

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14. Kraft does teach security considerations (col. 10, lines 5-35), but does not expressly disclose that the network client and network host are anonymous from each other. May teaches a method (abstract) of process execution requests associated with tasks (col. 1, line 30 – col. 7, line 50) and coordination between a client (Fig. 1, #20\_1), network server (Fig. 1, #12), and host (Fig. 1, #20\_4) in which anonymity between buyers and sellers is maintained (Fig. 15). At the time the invention was made, one of ordinary skill in the art would have used May's anonymous automated auction method in Kraft's automated auction in order to better ensure fairness (col. 43, lines 45-50).

15. For claim 2, Kraft teaches that the network is a heterogeneous network (col. 4, lines 10-20, 40-50).

16. For claim 3, Kraft teaches that the heterogeneous network comprises a network of computational devices (Fig. 1).

17. For claim 5, Kraft teaches that the network of computational devices comprises a network of multiple platforms (col. 4, lines 29-40).

18. For claim 6, Kraft teaches that the network server comprises a computational device (Fig. 2, #102).

19. For claim 7, Kraft teaches that the network server comprises a processor (col. 4, lines 20-30), a storage device (Fig. 3, #306; col. 3, line 50 – col. 6, line 10), an evaluating program adapted to analyze the payload (Fig. 2, #214), and a binding program adapted to create an agent from the payload (col. 4, line 60 – col. 5, line 2).

20. For claim 8, Kraft teaches that the payload comprises a set of programming instructions, wherein the set of programming instructions are associated with the process execution (col. 6,

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lines 25-40), and a data set, wherein the data set is associated with the process execution (col. 5, lines 35-45).

21. For claim 9, Kraft teaches that the payload further comprises a set of security permissions, wherein the set of security permissions are associated with the process execution (col. 10, lines 5-35), and a financial data set, wherein the financial data set is associated with the process execution (col. 9, line 60 – col. 10, line 5).

22. For claim 10, Kraft teaches that the agent comprises the payload containing programming instructions which, when executed by the server, a software data set is requested and configured to provide the payload the ability to perform the process execution (col. 7, lines 10-30).

23. For claim 11, Kraft teaches that the software data set comprises a set of functional parameters, a set of software libraries, or a set of activating programming instructions (col. 7, lines 10-30).

24. Claims 13-16, and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft and May as applied to claims 1, 12, 17 above, and further in view of Ellis (6,732,141).

25. For claims 13 and 18, Kraft and May do not expressly disclose evaluating a payload comprises authenticating the payload and checking the payload for conformance to a set of protocols. Ellis teaches this limitation (col. 11, line 53 – col. 12, line 20). At the time the invention was made, one of ordinary skill in the art would have added this limitation to Kraft to ensure that network hosts could perform the task (col. 11, lines 25-50).

26. For claims 14 and 19, Kraft and May do not expressly disclose evaluating the payload comprises compiling a profile of the process execution. Ellis teaches this limitation (col. 10,

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lines 34-55). At the time the invention was made, one of ordinary skill in the art would have added this limitation to Kraft to ensure that network hosts could perform the task (col. 11, lines 25-50).

27. For claims 15 and 20, Kraft and May do not expressly disclose evaluating the payload comprises simulating the execution of the process. Ellis teaches this limitation (col. 10, lines 9-23). At the time the invention was made, one of ordinary skill in the art would have added this limitation to Kraft in order to provide cost estimates before processing (col. 10, lines 13-15).

28. For claims 16, 21, and 22, Kraft and May do not expressly disclose simulating the execution of the process comprises creating a portion of the process and executing it. Ellis teaches this limitation (col. 19, lines 30-40). At the time the invention was made, one of ordinary skill in the art would have added this limitation to Kraft in order to provide cost estimates before processing (col. 10, lines 13-15).

29. Claims 23 and 24 are drawn to the limitations in claims 10 and 11, respectively. Therefore, since claims 10 and 11 are rejected, claims 23 and 24 are also rejected for the reasons above.

### ***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

31. Anonymous Auctions and Communications: Quelene (6,453,306), Kitazawa article, Gupta (6,446,109), Hanna et al. (6,801,998), Faris et al. (6,677,858)

32. Facilitation of Services Auctioning: Huberman (6,078,906), Franklin et al. (6,055,518), Woolston (6,202,051), Coyle (6,269,157).



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33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

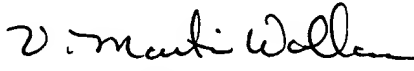
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP  
27 April 2005

  
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